

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THE UNITED STATES LIFE INSURANCE COMPANY IN :  
THE CITY OF NEW YORK,

Plaintiff,

-against-

ROSE MARY NUTTING and KATHLEEN NUTTING  
DOWNEY,

Defendants.

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: **1:06-CV-210 (NAM)(RFT)**

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### FINAL DECREE OF INTERPLEADER

This cause coming before this Court on the Motion of UNITED STATES LIFE INSURANCE COMPANY IN THE CITY OF NEW YORK (“United States Life”) for entry of a Final Decree of Interpleader, due notice having been given, defendants Rose Mary Nutting and Kathleen Nutting Downey having indicated that they have no objection, and the Court being fully advised in the premises;

This Court finds as follows:

1. This Court has subject matter jurisdiction of this case.
2. This Court has personal jurisdiction of the parties.
3. On July 1, 1989, United States Life issued Richard Nutting Life Insurance Policy No. 0985176L (“Policy”) in the face amount of \$100,000.00.
4. On July 19, 2005, Richard Nutting died.
5. Under the terms of the Policy and on the account of Nutting’s death, United States Life became obligated to pay the sums due under the Policy in the amount of \$100,000.00 (“Proceeds”).

6. Rose Mary Nutting and Kathleen Nutting Downey have asserted rival and conflicting claims to the Proceeds, and United States Life cannot safely pay the Proceeds without exposing itself to multiple litigation or multiple liability or both.

**IT IS HEREBY ORDERED:**

1. United States Life is granted leave to deposit its admitted, full and total liability, \$100,000.00, plus applicable interest, with the Clerk of this Court.
2. Claimants, Rose Mary Nutting and Kathleen Nutting Downey, and all other parties in this case and each of them, are currently and perpetually restrained and enjoined from instituting or prosecuting any proceedings against United States Life in any way relating to the policy or the subject insurance proceeds. Said injunction shall issue without bond or a surety.
3. All liens against the proceeds of the policy asserted by United States Life by or on behalf of the Claimants or any other party in this case, including any and all attorneys' liens, costs, fees, and charges, are hereby resolved and of no force or effect.
4. United States Life is excused from further attendance at this cause and is dismissed from this case with prejudice, and the Claimants and other parties to this case, and each of them, shall litigate their claims and contentions regarding the subject life insurance proceeds without further involving United States Life.

IT IS SO ORDERED

DATE: July 19, 2006

  
Norman A. Mordue  
Chief United States District Court Judge